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Paper No. 8

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OFFICE OF PETITIONS
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In re Application of	:
Norberto Festo	: DECISION GRANTING
Application No. 09/673,411	: PETITION
Filed: October 16, 2000	:
Attorney Docket No. B-3992PCT 618156-1	:

This is a decision on the paper styled "Request For Corrected Filing Date" filed January 11, 2001, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of October 16, 2000, rather than the presently accorded filing date of October 17, 2000.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on October 16, 2000. However, the Express Mail label identified in the original application papers shows a "date-in" of October 17, 2000. Applicant is alleging that the date of mailing shown by the Express Mail receipt is a USPS error and the correct date of mailing is October 16, 2000.

In support, the petition is accompanied by a copy of a USPS record styled "Pickup Service Statement - Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL394034499US was picked up by the USPS from counsel's office on October 16, 2000. The petition is also accompanied a letter from Bettye Thomas, an Administrative Clerk with the Los Angeles Post Office, stating that the Express Mail receipt in question should have been dated October 16, 2000.

In view of the evidence present in the file, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is October 16, 2000.

In view of the above, the application is entitled to a filing date of October 16, 2000. The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to October 16, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.



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